IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15686 of 2006

Between:

G.Rajendran

..... PETITIONER

AND

1.The State Election Commissioner of Andhra Pradesh, Hyderabad, and 3 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15686 of 2006

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondent Nos.3 and 4 in rejecting his nomination for the post of Sarpanch of Komaragunta Village, Vedurukuppam Mandal, Chittoor District, without passing any orders, as illegal, arbitrary, malafide and violative of

Fundamental Rights and principles of natural justice and consequently direct the Respondents 3 & 4 to accept the nomination of the petitioner and permit him to contest in the election to be held on 02-08-2006 for the post of Sarpanch of Komaragunta (V), Vedurukuppam (M), Chittoor District.

The main grievance of the petitioner is that his nomination for the post of Sarpanch of Komaragunta Village, Vedurukuppam Mandal, Chittoor District, was rejected by respondents 3 and 4.

The learned Counsel for the petitioner would submit that inasmuch as the petitioner is working under Employment Guarantee Scheme, his case does not fall under the disqualification.

It is needless to say that this is a disputed question of fact and the same cannot be gone into by the Writ Court, at this stage. However, the petitioner is having an efficacious alternative remedy by way of election petition. The petitioner is given liberty to approach the Election Tribunal, if he is so advised.

With the above observation, the Writ Petition is disposed of. No costs.

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31st July, 2006

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